

NDSU Faculty Senate Meeting
April 10, 2017 at 3pm
Prairie Rose Room, Memorial Union
Agenda

- I. Call to Order
- II. Attendance
- III. Approval of previous meeting minutes from March 20, 2017
- IV. Consent agenda
 - a. University Curriculum Committee report (**attachment 1**)
 - b. University Athletics Committee Bylaw Change (**second vote**) (**attachment 2**)
 - c. 133.1 – Human Resources and Payroll, Customer Account Services (**attachment 3**)
- V. Announcements
 - a. Dean Bresciani, President
 - b. Beth Ingram, Provost
 - c. Katie Gordon, Faculty Senate President – **There will be an election for the next Faculty Senate President-Elect at the 5/8/17 meeting.**
 - d. Stuart Haring, Faculty Senate President-Elect
 - e. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VI. Unfinished Business
 - a. 161- Human Resources and Payroll (**attachment 4**)
 - b. 309 - Faculty Affairs Committee and Office of the Provost (**attachment 5**)
 - c. 823 – Research Integrity and Compliance (**attachment 6**)
- VII. New Business
 - a. Resolution to SBHE/Chancellor - Dennis Cooley (**attachment 7**)
 - b. 163.2 (for faculty input & feedback) - Commission on the Status of Women Faculty (**attachment 8**)
- VIII. Adjourn

**University Curriculum Committee Report
For Faculty Senate Meeting on April 10, 2017**

General Education Recommendations				
PH 101 – approval for Diversity category				

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
MICR	475	Animal Virology	3	MICR	475	Virology	3	Fall 2017
MICR	752	Advanced Food Microbiology	3	MICR	752	Advanced Topics in Food Safety Microbiology	3	Fall 2017
PSCI	670	Pharmaceutics III: Pharmacokinetics	3	PSCI	670	Pharmacokinetics	3	Fall 2017
SOIL	733	Modeling Environmental Fate and Transport	2	SOIL	733	Advanced Soil Nutrient Cycling	3	Spring 2018

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
ABEN	458	Process Engineering for Food, Biofuels and Bioproducts	Prereq: ABEN 263	Fall 2017
COMM	465	Convergence Media	Desc: Techniques for digital storytelling, multimedia content creation, and cross-platform production. Prereq: Restricted to Communication professional majors or minors.	Summer 2017
CSCI	413	Principles of Software Engineering	Prereq: CSCI 213 or ECE 275	Summer 2017
CSCI	834	Expert Systems	Desc: Examination of types of knowledge-based systems, their powers and limitations. Students create their own knowledge-based system.	Summer 2017
HDFS	360	Adult Development and Aging	Prereq: none	Fall 2017
MICR	475	Virology	Desc: The biology of viruses with emphasis on virus replication and pathogenesis. Co-req: MICR 470	Fall 2017
MICR	752	Advanced Topics in Food Safety Microbiology	Desc: Overview of food systems and in-depth evaluation of microbiological food safety concerns with an emphasis on public health aspects of detecting, tracking, and controlling pathogens in the food supply.	Fall 2017
PHRM	450	Self Care	Prereq: PHRM 340, PHRM 341 both with a grade of C or higher Co-req: none	Spring 2018
PSCI	670	Pharmacokinetics	Prereq: PSCI 411 with a grade of C or higher	Fall 2017
SOIL	733	Advanced Soil Nutrient Cycling	Desc: Overview of origins, nature fate, and measurements of organic matter in soils, with specific focus on microbially-mediated, physical, and chemical processing of carbon, nitrogen, phosphorus, and other plant nutrients. Three lectures per week. Offered spring semester, even years.	Spring 2018

Course Inactivations				
Subject	No.	Title	Crs.	Effective Term
MUSC	732	Applied Collaborative Study	1-4	Fall 2017

CONSTITUTION AND BY-LAWS NORTH DAKOTA STATE UNIVERSITY ATHLETICS COMMITTEE

Article I.

Name

- Section 1. This organization shall be known as the North Dakota State University Athletics Committee.

Article II

Purpose

- Section 1. The purpose of the North Dakota State University Athletics Committee is to be informed in matters affecting intercollegiate athletics at North Dakota State University; to effectively communicate with the Director of Intercollegiate Athletics, ~~the Director of Women's Intercollegiate Athletics~~, the University Senate and the President in areas of concern regarding athletics.

Article III

Duties and Responsibilities

- Section 1. The North Dakota State University Athletics Committee shall serve as an athletics advisory board, which has responsibility for providing advice and counsel on athletics policies and principles governing:

Institutional Control and Responsibility
 Student-Athlete Well Being
 Gender Equity
 Sound Academic Standards
 Sportsmanship and Ethical Conduct
 Nondiscrimination
 Rules Compliance
 Amateurism
 Competitive Equity
 Recruiting
 Financial Aid
 Eligibility
 Playing and Practice Seasons
 Postseason Competition
 Economy of Athletics Program Operation

- Section 2. One member of the North Dakota State University Athletics Committee shall serve as a representative on the University Student-Athlete Appeals Committee.
- Section 3. Assist in the formation of selected policy recommendations to be forwarded to the University Senate.
- Section 4. Review issues and legislation for conference and national meetings and recommend institutional positions.

- Section 5. Review the preliminary budget of the athletic programs.
- Section 6. Serve as liaison to various constituents in support of athletics.

Article IV Membership

- Section 1. North Dakota State University is a member of the National Collegiate Athletic Association; the Missouri Valley Football Conference; the Summit League; and the ~~Western Wrestling~~ Big XII Conference. The responsibility for compliance with the rules and regulations of these organizations is vested with the President of the University.
- Section 2. Membership shall consist of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, two representatives of the Staff Senate, the Director of Intercollegiate Athletics, Senior Women's Administrator, and the Faculty Athletic Representative.
- Section 3. The recording secretary shall serve as an ex-officio member of the North Dakota State University Athletics Committee.

Article V Amendments

- Section 1. Amendment or revision of the Constitution may be approved by a two-thirds affirmative vote of the North Dakota State University Athletics Committee after a 30-day prior notice of the proposed change.

Bylaw I Selection of Members and Terms of Office

- Section 1. Faculty members from each college ~~or school~~ except ~~University Studies and~~ the Graduate School shall be elected or appointed by their unit. The maximum length of term shall be four years.
- Section 2. Representatives from Student Government, the Student-Athlete Advisory Council and Staff Senate shall be elected or appointed annually by their unit.
- Section 3. The Director of Intercollegiate Athletics shall be a permanent member of the Committee.
- Section 4. The ~~Director of Women's Intercollegiate Athletics~~ Senior Woman Administrator shall be a permanent member of the Committee.
- Section 5. The-Faculty Athletics Representative shall be appointed by the President of the University and shall serve at the pleasure of the President.
- ~~Section 6. The Vice President of Equity, Diversity and Global Outreach shall be a permanent member of the Committee.~~

Bylaw II
Officers

- Section 1. The officers of the North Dakota State University Athletics Committee shall include a chair, vice chair and a secretary.
- Section 2. Officers shall be nominated and elected annually.

Bylaw III
Duties of the Officers

- Section 1. The duties of the chair shall include presiding over meetings and representing the North Dakota State University Athletics Committee at designated functions.
- Section 2. It shall be the duty of the vice chair to serve in the absence of the chair.

Bylaw IV
Meetings

- Section 1. Meetings of the North Dakota State University Athletics Committee shall be held at the discretion of the chair, but at least two meetings per year shall be held.
- Section 2. The North Dakota State University Athletics Committee shall act upon matters that require immediate action between scheduled University Athletics Committee meetings.
- Section 3. The duties of the recording secretary shall include the recording and distribution of the minutes.

Bylaw V
Sub-Committees

- Section 1. Sub-committees may be appointed by the chair as deemed necessary.

Bylaw VI
Order of Business

- Section 1. At least seven members with voting rights, at least five of whom are faculty representatives, are necessary to constitute a quorum.
- Section 2. The agenda for the meetings shall be prepared by the chair with items presented by the Committee. The agenda shall be sent to each committee member prior to the meeting.

Bylaw VII
Amendments

- Section 1. An amendment to the Bylaws may be approved by a two-thirds affirmative vote by the North Dakota State University Athletics Committee.

Revised: April 2016

Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: **Policy 133.1 Tuition Waiver – Spouse/Partner and Dependents**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Adding clarifying language to policy regarding use with other tuition waivers, specific programs and removing the in or out of state tuition waiver information.
 - The SBHE Policy 820 and NDUS Procedure 820.1 was amended on May 1, 2016 to establish an Employee Spouse and Dependent Tuition Waiver which provided a consistent practice across the eleven ND University System institutions.
 -
2. This policy change was originated by (individual, office or committee/organization):
 - HR/Payroll & Customer Account Services
 - Colette.Erickson@nds.edu and Karin.Hegstad@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee: 3/20/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

North Dakota State University

Policy Manual

SECTION 133.1

TUITION WAIVER – SPOUSE/PARTNER AND DEPENDENTS

SOURCE: NDSU President
SBHE Policy Manual, Section 820.13

The North Dakota State Board of Higher Education ~~allows campuses to adopt tuition waivers which are consistent with an institution's mission and North Dakota State University encourages the family members of benefitted employees to pursue a program of continuing education.~~ The spouse/partner and dependent tuition waiver is intended to help recruit and retain faculty and staff who can best perform or support the teaching, research and public service mission of the University.

1. The spouse/partner and dependents of regular ~~(broadbanded staff must be off probation),~~ benefitted NDSU employees as defined in SBHE Board Policy 703.2 are eligible for the waiver ~~effective Fall 2002.~~

- 1.1 Dependents are defined as ~~those unmarried children (25 years of age or under if they are a full time student, otherwise age 22 and under), who rely on the parent(s) for significant financial support, a child who is related to the employee as a natural child, a child placed for adoption, a legally adopted child, a child for whom the employee has legal guardianship, a stepchild, or a foster child, under the age of 26. Eligible dependents do not include the spouse of an adult dependent child.~~

~~1.1.1 A spouse/partner or dependent who is also a regular, benefitted employee is only eligible for the employee tuition waiver outlined in Section 133 (Educational Policy).~~

- 1.2 Partner is defined for purposes of this policy as same sex partners who have completed and filed a Declaration of Domestic Partnership <http://www.ndsu.edu/forms/> with the Office of Human Resources/Payroll.

- ~~1.3~~ ~~1.1.1~~ A spouse/partner or dependent who is also a regular, benefitted employee as defined in SBHE Board Policy 703.2 is only eligible for the ~~employee tuition waiver educational benefit~~ outlined in Section 133 (Educational Policy).

~~1.3.1.4 A spouse/partner or dependent who is eligible for the graduate assistant tuition waiver or the cultural diversity tuition waiver are not eligible for this educational benefit. Other waivers may also not be awarded which may duplicate benefits.~~

- ~~1.35~~ The spouse/partner and/or dependents must meet admission standards and register for classes through regular registration procedures.

- ~~1.46~~ The employee must be actively employed two weeks prior to ~~on~~ the first day of each semester for the spouse/partner or dependent to be eligible for the waiver.

Formatted: Indent: Left: 1", First line: 0", Space Before: 0 pt, After: 0 pt

Formatted: Strikethrough

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Attachment 3

2. The tuition waiver is 50% of the tuition for NDSU for-credit classes ~~(excluding self-supporting, Continuing Education courses and internships that require tuition to be paid to the site for student placement and Professional Development non degree eligible courses)~~ per spouse/partner or dependent.
 - 2.1 ~~The waiver applies regardless of whether paying resident or out of state tuition. This policy is applicable to any degree eligible and remedial courses, regardless of delivery or instruction mode.~~
 - 2.1.1 Waivers cannot be used for third party provided curriculum where NDSU directly pays full or partial tuition collected to the third party, consortium programs such as the Great Plains IDEA consortium, or professional development courses which do not result in the award of college credit.
 - 2.1.2 This waiver benefit is available on classes taken through the Tri-College University Course Exchange.
 - 2.2 The maximum tuition waiver for the spouse/partner or dependent of more than one eligible employee is 50%.
 - 2.3 Fees are not ~~waivered or~~ waived.
 - 2.4 The tuition waiver applies to ~~both~~ undergraduate, professional and graduate level classes.
 - 2.5 Early Entry students ~~will be~~ are eligible according to the terms of this policy.

3. Procedure

- 3.1 A Spouse/Partner and Dependent Tuition Waiver application needs to be submitted to the Office of Human Resources/Payroll by the Monday two weeks prior to the start of classes for which the waiver is requested. The Human Resources and Payroll office will review to ensure the student is eligible as a spouse/partner or dependent of the benefitted employee. The Customer Account Services office will review the educational benefit for course and waiver exclusions, and will process the tuition waiver benefit. Given that conditions in this policy may change, it will be necessary to review the conditions of eligibility each term.
- 3.2 Proof of marriage, domestic partnership, and/or dependency may be required.
- 3.3 In accordance with federal regulations, the tuition waiver will be used as a financial resource and become part of the student's financial aid package. The ~~Student Financial Services Financial Aid and Scholarships Office~~ may need to adjust aid if the amount of the tuition waiver, along with other financial aid, exceeds the total cost of attendance.
- 3.4 The spouse/partner and dependent tuition waiver may not be received if the ~~No~~ employee, spouse/partner or dependent ~~who~~ has an overdue accounts receivable balance with the University ~~may receive a spouse/partner and dependent tuition waiver.~~
- 3.5 In accordance with IRS regulations, the value of the tuition waived for graduate level classes will be considered taxable income to the employee. Federal, state and social security taxes will be deducted in a lump sum from the employee's last paycheck of the semester, or, at the employee's written request, deducted on a prorated basis throughout the semester.

Formatted: Indent: Left: 1"

HISTORY:	
New	April 2002
Amended	July 2003
Amended	April 2005
Amended	October 18, 2010
Housekeeping	November 17, 2011
Housekeeping	July 29, 2013
Amended	March 23, 2014
Amended	November 7, 2014
Housekeeping	January 2, 2015

Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: **Policy 161 Fitness for Duty**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change:
- V1: Clarification of the process and changing it so it is consistent with other policies/federal laws - Family Medical Leave (FMLA) and American with Disabilities (ADA).
- V2: Clarification of the procedure for the policy to ensure compliance with state and federal laws per SCC recommendation.

2. This policy change was originated by (individual, office or committee/organization):

- Office/Department/Name and the date submitted Colette Erickson, Director Human Resources and Payroll
- Email address of the person who should be contacted with revisions Colette.erickson@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee: 3/20/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

North Dakota State University Policy Manual

SECTION 161 FITNESS FOR DUTY

SOURCE: NDSU President

1. Overview

NDSU is committed to providing a safe working environment and to protect the health and safety of students, faculty and staff, visitors and University property. This policy provides a mechanism for identifying and intervening when individuals who could pose a threat to the safety of others and property. Required drug and alcohol screening of employees in designated positions is addressed in NDSU policy 161.1. Post-offer/pre-hire screening of job candidates for positions related to dining services must comply with Fargo Public Health Codes.

2. Definitions

- a. Fitness for duty: physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others and property.
- b. Reliable report: self-disclosure or third-party opinion about an employee's possible lack of fitness for duty which is assessed as reasonable by the manager/supervisor considering such factors as the relationship of the reporter to the employee, the seriousness of the employee's condition, the possible motivation of the reporter and how the reporter learned the information.
- c. Working hours: beginning with an employee's starting time and ending with the employee's quitting time as well as any time an employee is on-call. All work activities are included whether they occur on or outside University properties.
- d. ~~Physical/Mental~~ Medical evaluation: An examination performed by a university-designated health professional, including but not limited to a health history, physical and/or psychological examination and any medically indicated diagnostic studies. The cost is paid by the employee's department.
- e. ~~Physical/Mental~~ Medical certification: a document from a medically appropriate, licensed provider attesting to an employee's fitness for duty following an extended medical absence. Allowable costs to obtain the certification are paid by Workers Compensation for work-related absences, and by the employee and the employee's health insurance for absences which are not work-related.

Formatted: Font color: Red

Formatted: Strikethrough

Formatted: Font color: Red

Formatted: Strikethrough

3. Employee responsibilities

- a. Reporting to work fit for duty.
- b. Notifying the manager/supervisor when not fit for duty.

Attachment 4

- c. Notifying the manager/supervisor when observing a co-worker who may not be fit for duty (in cases where the possibly impaired individual is the employee's manager, the employee should make the notification to the next higher level manager or the Director of Human Resources/Payroll).
- d. Cooperating with a manager/supervisor's directive and/or referral for a medical evaluation.

4. Manager/supervisor responsibilities

- a. Observing the attendance, performance and behavior of employees they supervise.
- b. Interviewing an employee who appears to the manager/supervisor (or third-party report) unfit for duty ~~and referring an employee for a medical evaluation when appropriate.~~
- c. Recording the reasons/observations that triggered ~~a~~ a fitness for duty ~~concern~~ medical evaluation referral.
- d. Utilizing this policy in a fair and consistent manner, respecting the employee's privacy and the confidentiality of medical information.

Formatted: Strikethrough

Formatted: Strikethrough

5. Procedures

- a. Employee plans to return from work after an extended medical absence.
 - 1. ~~Employee is required~~ Manager/supervisor receives ~~to submit~~ medical certification from employee prior to his/her return to work ~~indicating that employee is able to return to work~~, with suggested accommodations, if applicable.
 - 2. Manager/supervisor ~~with assistance from Human Resources~~ determines whether or not employee can perform essential functions of the job with or without accommodation. ~~accepting suggested accommodations or developing alternative accommodations~~
 - 3. Manager/supervisor provides and employee utilizes accommodations
- b. A triggering event occurs when a manager/supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations may include, but are not limited to an employee's self-reports, manual dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, suicidal or threatening statements, change in personal hygiene, presence of condition likely to lead to food borne disease transmission, memory and/or odor of alcohol or marijuana.
 - 1. Manager/supervisor interviews employee, when possible.
 - 2. Manager/supervisor assesses magnitude of safety risk. Managers/supervisors ~~should~~ are encouraged to contact Human Resources ~~and~~ Payroll for assistance.
 - A. No risk: keep notes of event
 - B. Minor risk: ~~Difficulty in performing the essential functions of the position and a potential safety risk to self and others~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Indent: Left: 1.25", First line: 0"

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Formatted: Font: (Default) Franklin Gothic Book, 12 pt, Strikethrough

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Formatted: Strikethrough

Formatted: Font color: Red

Attachment 4

- I. ~~E~~ncourage employee to use Employee Assistance Program (see NDSU policy 134) or seek medical treatment;
- ~~B.~~ ~~II. D~~ocument event
- C. Significant risk: Unable to perform the essential functions of the position and is a safety risk to the self and others
 - I. Contact University Police if appropriate
 - II. Place employee on paid leave of absence (sick leave or paid administrative leave, depending on situation)
 - III. Arrange for employee's safe transportation home if situation warrants
 - IV. Refer employee to Employee Assistance Program
 - ~~W.V.~~ Work with Office of Human Resources and Payroll to initiate a ~~or for~~ medical evaluation
 - ~~V.VI.~~ Implement discipline, if appropriate
- D. ~~Severe risk:~~
 - ~~I. Contact University Police~~
 - ~~II. Place employee on paid leave of absence~~
 - ~~III. Arrange for employee's safe transportation home~~
 - ~~IV. Implement appropriate discipline~~

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Formatted:

Formatted: Font: (Default) Franklin Gothic Book, 12 pt

Formatted: Normal, Indent: Left: 1.5", First line: 0.5", No bullets or numbering

Formatted: Font color: Red

Formatted: Font color: Red

Formatted: Font color: Red

Formatted: Indent: Left: 2.5", No bullets or numbering

6. Outcomes

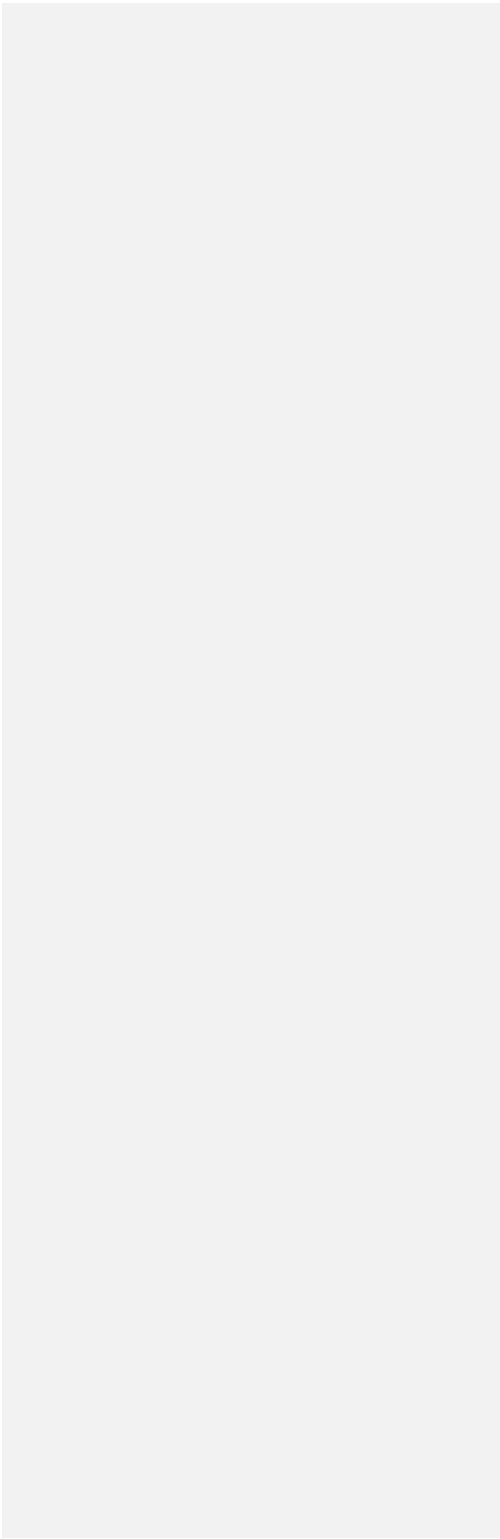
- a. Employees voluntarily seeking assistance for physical (including controlled substance, drug and alcohol abuse/addictions), mental, and/or emotional problems before their work performance or attendance is adversely affected will not have their employment status jeopardized for seeking assistance.
- b. Employees cooperating in a medical evaluation and in compliance with recommendations for medical, psychological and/or chemical dependence treatment may be returned to the job provided appropriate discipline, if warranted, has taken place.
- c. Employees posing a severe risk may be subject to discipline up to and including termination of employment.

HISTORY:

New	May 15, 1972
Amended	May 12, 1986
Amended	April 1992
Amended	April 2000

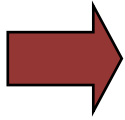
Attachment 4

Amended	April 2001
Amended	March 2002
Amended	October 2007



Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to ndsuh.policy.manual@ndsuh.edu first so that a clean policy can be presented to the committees.

SECTION: Policy 309 MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY POLICY

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ **No**
 This policy is required by Higher Learning Commission (HLC is the regional accreditation agency that accredits NDSU as a degree granting higher education institution). Guidelines published in October 2015 and March 2016 state HLC's requirement that faculty members have "appropriate expertise in the subjects they teach." All HLC-accredited institutions must be in compliance with this requirement no later than Sept. 1, 2017.
 - Describe change: Instructional faculty can be qualified to teach based on a combination of academic and tested experience-based credentials. Specifically,
 1. Faculty teaching in undergraduate programs should hold a degree at least one level above that of the program in which they are teaching.
 2. Faculty teaching graduate courses or cross listed undergraduate/ graduate courses (400/600) should have earned a terminal degree.
 3. Tested experience qualifications should be established for specific disciplines and programs.
 4. The faculty hiring qualifications related to tested experience should be reviewed and approved through the faculty governance process.
2. This policy change was originated by (individual, office or committee/organization):
 - Faculty Senate Faculty Affairs Committee and Office of the Provost
 - Email address of the person who should be contacted with revisions: canan.bilen.green@ndsuh.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee: 2/27/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsuh.policy.manual@ndsuh.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

SECTION 309 MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY POLICY

SOURCE: NDSU President

1. INTRODUCTION

- 1.1 In order to ensure high quality teaching and learning in its curricula, this policy establishes the minimum standards for ensuring all instructors of record are qualified to teach credit-bearing NDSU courses. A faculty member can be qualified based on a combination of academic and other credentials. For description of Academic Appointments see [Policy 350.1](#). In general all instructors will be judged primarily on the basis of earned degrees in a field or subject area relevant to the courses taught, obtained from academic institutions that are accredited by regional higher education associations and/or professional accrediting organizations.
- 1.2 In particular cases, a faculty member may be deemed qualified based on other credentials appropriate for a given course, which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work.
- 1.3 For all cases academic units are responsible for documenting and justifying the qualifications of its instructional faculty prior to appointment.

2. GENERAL STANDARDS for INSTRUCTIONAL FACULTY QUALIFICATIONS

NDSU applies the following guidelines in establishing minimum credentials for teaching credit-bearing and developmental courses:

- 2.1 **Academic Qualifications.** Qualification to teach a given course is usually based on the faculty member's highest earned degree in the teaching discipline, with exceptions for areas where terminal degree is awarded at the Masters level and faculty possesses a doctorate in a related field.

For **undergraduate courses** (enrolling only baccalaureate students), faculty will be deemed academically qualified if they have earned a master's degree or higher in:

- the subject being taught;
- a closely related field, as defined by program/ academic department and accrediting body; or
- any discipline with at least eighteen (18) graduate credit hours in the subject being taught or a closely related field, as defined by the program/academic department.

For **general education** courses at the undergraduate level, faculty will be deemed academically qualified if they have earned:

- doctorate or master's degree in the teaching discipline; or
- master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

For **graduate courses** and for **cross listed undergraduate/ graduate courses** (400/600), faculty will be deemed academically qualified if they have earned a terminal degree in the subject being taught or in a closely related field as defined by program/ academic department and have a record of research, scholarship or achievement appropriate for graduate program.

- 2.2 **Tested Experience-based Qualifications.** If the academic qualifications articulated in 2.1 are not present, qualification to teach in a particular field must be based on other credentials which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work. Academic units must define minimum tested experience-based qualifications for their programs.

3. TO WHOM THIS POLICY APPLIES

This policy applies to all faculty members who teach courses, including tenured, tenure-track, non-tenure-track, part-time, visiting, and adjunct faculty. This policy does not apply to graduate teaching assistants who work under the direct supervision of a faculty member. *All graduate students assigned as instructors of record should have either a master's in the same discipline or have satisfactorily completed at least 18 graduate credit hours in the same discipline to that of instruction. Graduate student instructors of record must receive appropriate training prior to instruction.*

4. APPROVAL OF MINIMUM STANDARDS AND INSTRUCTIONAL FACULTY APPOINTMENTS

- 4.1 The academic units are responsible for reviewing and verifying the teaching qualifications for instructors of record, including graduate assistants who serve as instructor of record, adjuncts, visiting professors, and part-time academics, at the time of hire. Verification and validation must be conducted for each separate course taught. This process will occur prior to any instructor's initial appointment with the University, regardless of the mode of course delivery.
- 4.2 The academic units (chairs/heads/program directors working with program faculty) will define criteria (minimum academic and/or tested experience-based qualifications) that will be used to ensure that all individuals who are selected as instructional staff have the appropriate knowledge and expertise to teach courses for the program. Instructor of Record Qualifications determined by academic units for each program will be reviewed and approved through the regular faculty governance process. Approved Instructor of Record Qualifications will be kept on file at the department and college levels and consulted when appropriate. Any changes to the instructor of record qualification must be approved.
- 4.3 Faculty who are deemed qualified to teach based on credentials other than those approved academic and tested experience-based qualifications will be reviewed and approved on a case-by-case basis. Decisions to hire faculty under this provision will be relatively rare.

HISTORY:

New _____, 2017

Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: 123 Financial Conflict of Interest-Public Health Service and National Science Foundation Sponsored Research

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☒ Yes ☐ No
 - Describe change: This policy was written for PHS sponsored research. It has come to our attention that NSF requires the same SFI disclosures and reporting so we have added this language
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted Research Integrity and Compliance Julie Sherwood 1/25/2017
 - Email address of the person who should be contacted with revisions j.sherwood@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee: 2/27/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

Dakota State University Policy Manual

SECTION 823

FINANCIAL CONFLICT OF INTEREST – PUBLIC HEALTH SERVICE, NATIONAL SCIENCE FOUNDATION OR OTHER APPLICABLE SPONSORED RESEARCH

SOURCE: SBHE Policy Manual, Section 611.4
NDSU President

1. INTRODUCTION

- 1.1. The US Public Health Service (PHS), National Science Foundation (NSF) and other applicable sponsors requires institutions to establish standards that promote the objectivity of research by ensuring that the design, conduct, and reporting of such research is free from any potential for bias resulting from Investigator financial conflicts of interest. Investigators should conduct their affairs as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise.
- 1.2. This policy governing financial conflict of interest applies to all Investigators funded by, or submitting proposals for funding to any agency of the PHS, except for Small Business Innovation Research (SBIR) Program Phase I applications. This exclusion does not apply to investigators submitting proposals to NSF. Investigators are required to disclose any external financial interests related to their NDSU responsibilities for review, and any required management, to ensure the design, conduct or reporting of the PHS research is not biased by a financial conflict of interest. Investigators of sponsored projects funded by any other external agency are referred to [NDSU Policy 151.1, External Activities and Conflicts of Interest](#) to address conflicts of interest, including financial.

Commented [JS1]: NSF requires this also so I am adding language throughout the document to indicate this.

Commented [JS2]:

Commented [JS3]: SBIR/STTT is not excluded if applying for NSF funding.

2. DEFINITIONS

- 2.1. **Administrative Head:** a Department Chair or Head, Dean, Director, Vice President, President or equivalent officer who has the primary authority for administering an administrative unit, and is responsible for solicitation and review of disclosures of Investigator's Significant Financial Interests (SFI) related to their institutional responsibilities, including interests of an Investigator's family members. When a conflict exists for an Administrative Head, refer the matter to the next level of administrative authority in the normal reporting lines. (See also in [Policy 151.1.](#))
- 2.2. **Conflict of Interest Advisory Committee (CIAC):** a committee comprised of five members recommended by the Faculty Senate Executive Committee and appointed by the President of the Faculty Senate. The CIAC shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases. (See also in [Policy 151.1.](#))
- 2.3. **Family:** any member of the Investigator's immediate family, including spouse, domestic partner, parents, siblings, and children.
- 2.4. **Financial Conflict of Interest (FCOI):** a Significant Financial Interest (SFI) that the University reasonably determines could directly and significantly affect the design, conduct or reporting of NDSU research.

Commented [JS4]: Can we add this? We would like to add this language to all of the COI policies.

Attachment 6

- 2.5. **Investigator's Institutional Responsibilities:** the Investigator's responsibilities associated with his or her institutional appointment or position, such as research, teaching, clinical activities, professional practice, institutional committee memberships and service on panels, such as an Institutional Review Board.
- 2.6. **Investigator:** the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of Research funded by the PHS, NSF or other sponsors, or proposed for such funding, which may include collaborators or consultants.
- 2.7. **Management:** taking action to address a Financial Conflict of Interest (FCOI), which includes a documented plan to reduce or eliminate the FCOI to ensure, to the extent possible, that the design, conduct or reporting of the project will be free from bias.
- 2.8. **Public Health Service (PHS):** the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority of the PHS may be delegated. The components of the PHS include, but are not limited to, the Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Federal Occupational Health, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and Substance Abuse and Mental Health Services Administration.
- 2.9. **Research:** a systematic investigation, study, or experiment designed to contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book, or book chapter) and product development (e.g., a diagnostic test or drug).
- 2.10. **Retrospective Review:** a review of a financial interest that was either not disclosed, or not reviewed and managed by the University in a timely manner. The review is conducted to determine whether any PHS research conducted prior to the identification and management of the FCOI was biased in the design, conduct, or reporting.
- 2.11. **Significant Financial Interest (SFI):** anything of monetary value received or held by an Investigator or a Family member, whether or not the value is readily ascertainable, that reasonably appears to be related to the Investigator's Institutional Responsibilities. (Note: this exceeds the definition of SFI in [Policy 151.1](#)). SFI includes:
- 2.11.1. Salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships for other than scholarly works) when the aggregated value received from a *publicly traded* entity during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds \$5,000; or
 - 2.11.2. Salary or other payments for services, when the aggregated value received from a *non-publicly traded* entity during the 12 month period preceding the disclosure exceeds \$5,000; or
 - 2.11.3. Equity interests (e.g., stocks, stock options, or other ownership interests) in a non-publicly-traded company of any value during the 12 month period preceding or as of the date of disclosure; or

Commented [J55]:

Attachment 6

- 2.11.4. Income related to intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights) not reimbursed through NDSU; and
- 2.11.5. Reimbursed or sponsored travel that is related to Investigator's Institutional Responsibilities. This includes travel that is paid on behalf of the Investigator rather than reimbursed, even if the exact monetary value is not readily available. It excludes travel reimbursed or sponsored by U.S. Federal, state, or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers.
- SFI does NOT include:
- 2.11.6. Salary, royalties, or other remuneration from NDSU;
- 2.11.7. Income from the authorship of academic or scholarly works;
- 2.11.8. Income from seminars, lectures, or teaching engagements sponsored by or from advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; U.S. research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; or
- 2.11.9. Equity interests or income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles.

3. DISCLOSURE OF SIGNIFICANT FINANCIAL INTERESTS

3.1. Investigators must disclose all SFI related to their Institutional Responsibilities (or certify no SFI) by completing the [PHS SFI Disclosure Form](#) and submit it to their Administrative Head and Dean for initial review.

Commented [JS6]: Since it also is required for NSF I removed reference to PHS on the form.

3.1.1. [PHS, NSF or other sponsors](#) proposal submission. Investigators must have a current (within the last 12 months) [PHS SFI Disclosure Form](#) on file with the University prior to submitting a Research proposal to [PHS, NSF or other sponsors](#) as a principal or subrecipient Investigator. A copy of the [PHS SFI Disclosure Form](#) is routed with the Proposal Transmittal Form to Sponsored Programs Administration (SPA). (The disclosure does not require review by the Administrative Head and Dean until funding has been awarded, unless otherwise required under Policy 151.1.)

Commented [JS7]:

Commented [JS8]:

Commented [JS9]:

Commented [JS10R9]:

3.1.2. Annual disclosure. Investigators participating in [PHS, NSF or other sponsor](#)-funded Research are required to submit to their Administrative Head and Dean an updated disclosure at least annually by submission of the [PHS SFI Disclosure Form](#). New investigators must disclose within 30 days of their initial appointment or employment. The disclosure must be reviewed, managed, and reported to [PHS, NSF or other sponsor](#) when necessary, within 60 days of employment.

Commented [JS11]:

Commented [JS12]:

3.1.3. New SFI. Investigators participating in, or applying for [PHS, NSF or other sponsor](#)-funded Research are required to submit an updated disclosure within 30 days of discovery or acquisition (e.g., through purchase, marriage, or inheritance) of a new SFI. The disclosure must be reviewed, managed, and reported to [PHS, NSF or other sponsor](#) when necessary, within 60 days of identification.

Commented [JS13]:

Commented [JS14]:

Attachment 6

3.1.4. Travel. Investigators participating in, or applying for ~~PHS~~, NSF or other sponsor-funded Research are also required to disclose any reimbursed or sponsored travel related to their Institutional Responsibilities as defined under 2.11.5 above. Such disclosures must include, at a minimum: the purpose of the trip, identity of the sponsor/organizer, destination, duration, and monetary value, if known. The Administrative Head determines if additional information is needed (e.g., the monetary value if not already disclosed) to determine whether the travel constitutes a FCOI with the Investigator's Research.

Commented [JS15]:

4. REVIEW OF SFI DISCLOSURE

4.1. Prior to expenditure of ~~PHS~~ funds, the review and management of any FCOI must be complete, and a copy of the documentation forwarded to SPA. SPA will report any identified FCOI to the ~~PHS~~, NSF or other applicable agency. If the proposal does not result in an award, FCOI disclosures will be returned to the Administrative Head and Dean for further action if required under Policy 151.1.

Commented [JS16]:

Commented [JS17]:

4.2. If the Investigator has certified that he/she has no SFI to disclose, the Administrative Head and Dean, if they are in agreement with the Investigator's disclosure, sign the ~~PHS~~ SFI Disclosure Form, acknowledging receipt and agreement, and sending a copy to SPA.

Commented [JS18]:

4.3. When the Investigator has disclosed SFI, the Administrative Head and Dean must review the ~~PHS~~ SFI Disclosure Form(s) before the expenditure of funds. This review is to determine whether:

Commented [JS19]:

4.3.1. The SFI reasonably appears to be related to the funded ~~PHS~~ Research (e.g., if the SFI could be affected by the ~~PHS~~ Research, or is in an entity whose financial interests could be affected by the Research); and

Commented [JS20]:

4.3.2. The interest constitutes a FCOI (e.g., a SFI that may directly and significantly affect the design, conduct, or reporting of ~~PHS~~, NSF or other sponsor-supported Research).

Commented [JS21]:

Commented [JS22]:

4.4. If the SFI is either found to not be related to the funded ~~PHS~~ Research, or does not involve a potential FCOI, the Administrative Head and Dean sign the ~~PHS~~ SFI Disclosure Form, forwarding a copy to SPA; no further action is needed.

Commented [JS23]:

Commented [JS24]:

4.5. If the SFI is determined to constitute an actual or apparent FCOI, the Administrative Head and Dean sign the determination, forwarding the ~~PHS~~ SFI Disclosure Form to the respective VP, Provost, or the CIAC for additional review and Management, as set forth in Section 5.

Commented [JS25]:

4.5.1. Should the VP, Provost, or CIAC review result in a determination that no actual or apparent FCOI exists, the final determination is documented on the ~~PHS~~ SFI Disclosure Form, a copy is forwarded to SPA, and no further action is required.

Commented [JS26]:

4.5.2. In the event the Dean, VP, Provost, or CIAC determines that the FCOI cannot be satisfactorily managed, NDSU will refuse the ~~PHS~~ award. The final determination is documented on the ~~PHS~~ SFI Disclosure Form, a copy is forwarded to SPA, and no further action is required.

Commented [JS27]:

Commented [JS28]:

5. MANAGEMENT OF FINANCIAL CONFLICTS OF INTEREST

5.1. Prior to expenditure of ~~PHS~~ funds, the VP, Provost, or CIAC are responsible for development of a Management plan including conditions or restrictions to eliminate, reduce, or manage the FCOI. The Investigator, Administrative Head, and Dean may also be involved in drafting the plan, including conditions such as:

Commented [JS29]:

Attachment 6

- 5.1.1. Public disclosure of the conflict when publishing or presenting Research;
- 5.1.2. For human Research projects, disclosure of the conflict directly to participants;
- 5.1.3. Appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of the Research against bias resulting from the conflict;
- 5.1.4. Modification of the Research plan;
- 5.1.5. Change of personnel or their responsibilities, or disqualification from participating in all or a portion of the Research;
- 5.1.6. Reduce or eliminate the SFI; or
- 5.1.7. Sever relationships that pose a FCOI.
- 5.2. Upon review and consideration, the Management plan is documented in writing, including:
 - 5.2.1. Role and principal duties of the conflicted Investigator;
 - 5.2.2. Conditions of the Management plan;
 - 5.2.3. How the plan is designed to safeguard objectivity in the Research;
 - 5.2.4. Confirmation of the Investigator's agreement to the Management plan;
 - 5.2.5. How the plan will be monitored to ensure Investigator compliance; and
 - 5.2.6. Any other information relevant to the management of FCOI.
- 5.3. The Dean and the VP or Provost signs the Management plan, and appoints an individual to monitor the project until completion of the ~~PHS-funded~~ Research. SPA receives a copy of the approved Management plan, and reports all instances of FCOI to ~~PHS~~, ~~NSF or other sponsor~~, or the primary awardee institution, including applicable Management plans.
- 5.4. Where the Research involves human subjects, the Investigator provides a copy of the approved Management plan to the IRB for review with the IRB protocol. The IRB may impose additional, specific conditions or restrictions, where necessary, to ensure protection of the rights and welfare of research participants, but may not alter the Management plan finalized by the VP or Provost.

Commented [JS30]:

Commented [JS31]:

6. TRAINING

- 6.1. Investigator training on FCOI, this policy, and their responsibilities regarding disclosure of SFI is:
 - 6.1.1. Recommended prior to submitting a Research proposal to the ~~PHS~~, ~~NSF or other sponsors~~;
 - 6.1.2. Required prior to expenditure of ~~PHS~~, ~~NSF or other sponsored funds~~;
 - 6.1.3. Required every 4 years during the period of award;

Commented [JS32]:

Commented [JS33]:

Commented [JS34]:

Attachment 6

6.1.4. Required immediately when the FCOI policy is revised, an Investigator is new to a PHS, NSF or other sponsor project, or an Investigator is not in compliance with the policy or Management plan.

Commented [JS35]:

6.2. Online training modules shall be completed via www.citiprogram.org. The principal Investigator of each PHS, NSF or other sponsor funded project ensures that all applicable individuals involved in the design, conduct or reporting of their Research complete training.

7. SUBRECIPIENT REQUIREMENTS

7.1. PHS, NSF and other sponsors requires the awardee institution take reasonable steps to ensure that any subrecipient complies with FCOI requirements.

Commented [JS36]:

7.1.1. Subrecipient awards must specify whether the FCOI policy of NDSU, or that of the subrecipient will apply to the subrecipient's Investigators.

7.1.2. When the subrecipient's Investigators must comply with the subrecipient's FCOI policy, the subrecipient award will certify that the subrecipient's policy complies with PHS, NSF or other sponsors regulations, and specify the time period to report all identified FCOI to NDSU, in sufficient time to allow NDSU to report any FCOI to PHS, NSF or other sponsors prior to expenditure of funds by subrecipient.

Commented [JS37]:

Commented [JS38]:

Commented [JS39]:

7.1.3. When the subrecipient's Investigators must comply with NDSU FCOI policy, the subrecipient award will specify the time period to report all SFI disclosures to NDSU, in sufficient time for review, management and reporting of any FCOI to PHS, NSF or other sponsors prior to expenditure of funds by subrecipient. In such a case, the subrecipient disclosure and review will follow the same process required by NDSU Investigators in Section 3 and 4.

8. APPEALS

8.1. If Research is determined to be subject to restrictions or conditions due to FCOI, the Investigator may appeal the decision to the Faculty Senate President, as described in [Policy 151.1](#). The CIAC serves to hear appeals of decisions in conflict of interest issues, and shall meet with the appellant Investigator within 15 working days of receipt of the appeal. If a member of the CIAC has any personal or working relationship with the appellant Investigator, that member should recuse him or herself and be replaced by another member appointed by the President of the Faculty Senate. More than one meeting may be scheduled to decide the case, if necessary.

8.2. The appellant Investigator has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any CIAC deliberations. The CIAC, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Dean, VP, or Provost. If the CIAC finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Dean, VP, or Provost shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Dean, VP, or Provost for three (3) years. A copy of the final recommendations shall be provided to the appellant Investigator.

9. COMPLIANCE AND SANCTIONS

Attachment 6

9.1. In the event an Investigator fails to disclose SFI, or the Institution fails to review the disclosure in a timely fashion, PHS, NSF and other sponsors requires the Institution to conduct a review within 60 days of knowledge of the failure. If the SFI is found to involve FCOI, an interim Management plan is required, as well as a report to PHS the sponsor by SPA.

Commented [JS40]:

Commented [JS41]:

9.2. In the event a FCOI is not identified or managed in a timely fashion, or the Investigator fails to comply with terms of a Management plan, PHS, NSF and other sponsors requires that the Institution conduct a Retrospective Review. Within 120 days of identification of the noncompliance, the Dean, VP, Provost, or CIAC performs the review to determine whether the Research conducted during the period of noncompliance was biased in its design, conduct or reporting. The process and findings of the review are documented, and reported promptly to PHS the sponsor by SPA.

Commented [JS42]: ,

Commented [JS43]:

9.3. If bias is found, the Institution is required to notify PHS, NSF or other sponsors promptly, and submit a mitigation report. The report is prepared with the assistance of the Investigator, Administrative Head, and Dean, and shall include a description of the impact of the bias on the Research project and the plan of action to eliminate or mitigate the effect of the bias.

Commented [JS44]:

Commented [JS45]:

9.4. Violations of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at NDSU. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded Research and management of NDSU facilities and other property. Such enforcement measures may include, but are not limited to:

9.4.1. Freezing Research funds or accounts;

9.4.2. Rescinding contracts entered in violation of this policy or state law; or

9.4.3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

10. REPORTING

10.1. Prior to expenditure of funds, SPA shall report all findings of FCOI to PHS, NSF or other applicable sponsor. The report shall include sufficient information to allow the agency to understand the nature of the conflict and appropriateness of the Management plan. It shall include:

Commented [JS46]:

10.1.1. Project number; project director or principal Investigator;

10.1.2. Name of Investigator with the conflict, and the entity involved;

10.1.3. Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium, etc.);

10.1.4. Value of the financial interest (dollar ranges are acceptable), or a statement that value is not readily determined;

10.1.5. Description of how the SFI relates to the funded PHS Research and the basis for determining that the SFI conflicts with the Research;

Commented [JS47]:

Commented [JS48]:

10.1.6. Description of the key elements of the Management plan, as described above.

10.2. On an annual basis, SPA reports to ~~PHS~~, NSF or other sponsor the status of any previously identified FCOI, and any changes to the Management plan.

Commented [JS49]:

10.3. SPA submits Retrospective Review and mitigation reports promptly to ~~PHS~~, NSF or other sponsors as necessary.

Commented [JS50]:

11. RECORDS AND CONFIDENTIALITY

11.1. Records of all disclosures of SFI and of all actions taken to review and manage conflicts will be maintained by the respective Department or College until at least three (3) years after the later of the termination or completion of the award to which they relate, or the resolution of any governmental action involving these records.

11.2. The disclosure and supporting documents filed in compliance with this policy will be maintained as confidential to the extent possible under applicable state and federal requirements and the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.

12. PUBLIC ACCESSIBILITY

12.1. ~~PHS~~, NSF and other sponsors requires NDSU to ensure public accessibility of SFI information related to ~~PHS~~, NSF and other sponsored Research, including an obligation to respond to any requestor within five business days, with information concerning any SFI that meets all the following criteria:

Commented [JS51]:

Commented [JS52]:

12.1.1. The SFI was disclosed and is still held by the senior/key personnel;

12.1.2. A determination has been made that the SFI is related to the ~~PHS~~-funded Research; and

12.1.3. A determination has been made that the SFI constitutes an FCOI.

12.2. The information to be made available shall include the Investigator name, title and role in Research, name of entity involved with the FCOI, nature of the interest, approximate dollar amount of interest, or statement that the value is not readily determined.

12.3. The information must be made available for a period of three (3) years from the date that it was most recently updated.

HISTORY:

New	June 1995
Amended	October 1997
Amended	August 2007
Revised	August 23, 2012

The North Dakota University System (NDUS) has a crisis of confidence. Across the board budget cuts, consolidation efforts lacking any consideration of differences in mission amongst the eleven institutions, the apparent lack of consideration for long-term effects on higher education, and the lack of support of the institutions by the NDUS and the State Board of Higher Education (SBHE) have made it a near certainty that the system and institutions will be unable to continue to fulfill NDUS' mission and vision and the SBHE's beliefs and core values (SBHE Policies 100.4-5).

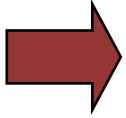
1. Students will be negatively affected through access to fewer courses, less attention from instructors and advisors, and fewer practical opportunities provided at these institutions, which are already not being supported by state-appropriated funds (*e.g.*, research, internships, and many other institution-sponsored outside programs and activities).
2. Employers both locally and statewide will be negatively affected in a multitude of ways, including not receiving the end-product of well-educated students who will ultimately make up their employee pool, students leaving the state for better opportunities elsewhere, and potential students not coming to North Dakota to be educated. Furthermore, this will also affect recruitment of business to North Dakota, as employers, employees, and their families will likely not want to live and do business in a state that values neither the training of a strong workforce nor the development of leading technologies and innovations.
3. Taxpayers and communities will be harmed by not receiving the best value for their tax dollars because of the lack of locally-educated students becoming part of the community as some of its best employees and citizens.
4. The state of North Dakota will be harmed by not diversifying its economy beyond the boom and bust cycles of agriculture and oil. Education, especially paired with companies built on technology and other dynamic products, is a powerful economic engine that can and does provide sustainable returns, as evidenced by these very institutions *consistently* providing high return-on-investment both locally and statewide.
5. The North Dakota University System is being harmed by damaging historically-strong supportive collaborations of NDUS institutions through forced unification and competition among the eleven institutions.

We, the NDUS faculty, call upon the State Board of Higher Education and the Chancellor to join us (the eleven institutions) to preserve a strong, vibrant, and forward-thinking higher education system by:

1. Supporting and advocating on behalf of the institutions that the SBHE and NDUS are supposed to represent, so that these institutions are able to continue to contribute positively to North Dakota's fiscal and civil bottom lines,
2. Reestablishing supportive collaborations between Presidents, the SBHE, and the Chancellor,
3. Giving due consideration to (and not disregarding) information presented to the members of the SBHE and the Chancellor from those actually on the ground maintaining the operation of those institutions (*i.e.*, the faculty, staff, and students),
4. Holding a Higher Education Summit with SBHE members, the NDUS Chancellor, the Governor, and Faculty, Staff, and Student representatives from each of the eleven institutions to discuss the value and future of higher education in the state and plan how identified goals might be achieved.

Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: 163.2 ANTI-BULLYING POLICY

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change:

New policy regarding anti-bullying. The U.S. Department of Education released a letter October 26, 2010 addressing the reduction of bullying in educational settings.

Bullying occurs on university campuses, including NDSU. It is important to recognize bullying as unacceptable behavior and to provide a consistent process to address bullying on campus.

2. This policy change was originated by (individual, office or committee/organization):

- Office/Department/Name and the date submitted: Commission on the Status of Women Faculty (CSWF) / Daniel Friesner / 3/7/17
- Email address of the person who should be contacted with revisions: daniel.friesner@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee: 3/20/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

North Dakota State University

Policy Manual

SECTION 163.2

ANTI-BULLYING POLICY

SOURCE: NDSU President

1. North Dakota State University is committed to providing a climate that fosters respect for students, staff, and faculty, as well as others who participate in programs and activities at the University. We are committed to valuing diversity and treating all with fairness, dignity, and respect. As part of that commitment, NDSU prohibits bullying in all forms, and works to prevent bullying in the workplace, the classroom, and in programs and activities, both on and off campus. A victim of bullying does not have to be a member of a protected class listed in NDSU Policy 100.
 - 1.1 For purposes of this policy, bullying is defined as repeated and persistent offensive or intimidating verbal (written or oral) acts or conduct directed toward another or others that has the effect of one or more of the following:
 - 1.1.1 Placing an individual in reasonable fear of harm to the individual's person or property;
 - 1.1.2 Causing a detrimental effect on an individual's mental or physical health;
 - 1.1.3 Substantially interfering with an individual's academic and/or work performance;
 - 1.1.4 Substantially interfering with an individual's ability to participate in or benefit from the services, activities, or privileges provided by the institution; or
 - 1.1.5 Interfering with the targeted individual's right to dignity at work, including retaliation for reporting bullying behavior.
 - Note: Bullying by electronic means is prohibited under NDSU Policy 158 and N.D.C.C. § 12.1-17-07.
 - 1.2 It is not bullying when a supervisor notes unsatisfactory performance or misconduct; institutes proceedings for workplace sanctions, nonrenewal, or dismissal for cause; or provides feedback regarding work behavior or performance.
2. The University recognizes that in most cases the best and most desirable resolution for all involved is through early, informal action before substantial bullying occurs. Supervisors must take steps to ensure that the environment for which they are responsible is free from bullying behaviors. Anyone who feels he/she has been the subject of bullying is encouraged to report the situation to a supervisor before it becomes severe or pervasive. If the immediate supervisor is the accused bully, the individual should go to the next supervisor in the leadership structure.
3. Anyone who makes a report in good faith shall be protected against retaliation of any kind. If there is retaliation in response to a good faith report, the retaliator shall be subject to discipline or

dismissal. See policies 156 (Discrimination, Harassment, Retaliation, and Complaint Procedures), 162 (Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy), 163 (Anti-Harassment), and 603 (Sexual Misconduct and Title IX Compliance).

- 3.1 To the extent possible, the University will maintain the confidentiality of anyone who reports an alleged violation of this policy, as well as those accused.
- 3.2 If an individual is found to have knowingly and purposefully made a false allegation of bullying, that individual will be held accountable, and appropriate remedial action shall be taken as determined by the individual's supervisor, in consultation with the appropriate Provost and/or Human Resources.

PROCEDURES

Informal

NDSU Staff & Faculty

Where possible, an attempt should be made to address conflict or disrespectful behavior directly with the accused person, either in writing or in person, before the behavior escalates (through repeated, targeted conflict or disrespectful behavior) to bullying or the alleged victim of bullying can bring the concern to a supervisor, whose responsibility is to maintain a safe workplace.

- A. An individual who has experienced disrespectful behavior should explain clearly in detail to the accused person(s) that the behavior(s) in question are offensive and unacceptable so the accused person(s) can understand why the individual is upset or offended. This communication may be oral or written.
- B. In circumstances where an individual finds it difficult to approach the alleged bully directly, he or she may seek help, advice, and services from the campus Ombudsperson or a supervisor. In addition, the individual may request assistance from the Ombudsperson in raising the issue with the alleged bully. The individual may also contact the office of Human Resources if the situation involves NDSU staff members. If the situation involves NDSU students, an individual may seek assistance with the Dean of Students. If the issue involves discrimination based on gender or other protected classes, members of the faculty and staff should also contact the Equity Office and the Title IX Coordinator. If those options have been exhausted or if the individual feels unsafe in using those options, then the individual may use the formal reporting procedure below.
- C. Witnesses of bullying are encouraged to speak with the person bullied, the person who is bullying, their supervisor, or with the Ombudsperson. If those options have been exhausted or if the witness feels unsafe in using those options, then the witness may use the formal reporting procedure below.

Formal

If the informal process is insufficient or inappropriate, the individual or witness may proceed to the formal process. At this point, the individual is called the complainant, and the accused is called the respondent.

- A. Staff member complainants should submit their complaints to the Office of Human Resources and Payroll, which will follow the grievance procedures listed in NDSU Policy 230. Faculty complainants should submit their complaints to the Office of the Provost, which will follow the grievance procedures listed in NDSU Policy 353.

- B. The office receiving the complaint (HR or the Office of the Provost) shall review the complaint and may refer the matter to the appropriate Vice President or supervisor. Review and initial action will occur within 10 working days of receipt, at which time the respondent shall be notified in writing of the allegations. The respondent will be given a copy of the complainant's statement and have the opportunity to respond to the allegation in writing within 10 days of receipt of the complaint.
- C. After receiving the response from the respondent, the Director of Human Resources and Payroll or the Vice Provost for Faculty and Equity, as applicable, will determine whether an investigation is necessary or whether the situation can be resolved in another manner. Response to an alleged violation of this policy will be handled within the time frames delineated by campus grievance procedures.
- D. If, after an investigation, it is determined that a violation of this policy has occurred, immediate and corrective action will be taken. Discipline and remedial measures will be appropriate to the offense and circumstances surrounding it, and may include a letter of reprimand, apology to the complainant, mandatory remedial education or counseling; ineligibility for merit pay; suspension, or dismissal. Considerations in determining disciplinary and remedial measures may include academic or work history, previous proven breaches of this policy, relationship of the parties, the number and seriousness of incident(s), their impact on the complainant, and the respondent's intent.
- E. The complainant may withdraw the complaint at any time. The process of investigation, decision, and penalty may continue after the complaint is withdrawn, at the discretion of the President, the Provost, or the appropriate Vice President.
- F. The Office of Human Resources and Payroll and the Office of the Provost will track all bullying complaints filed to ensure trends are captured in the reporting of bullying on campus without identifying information of complainants, witnesses or accused individuals.

HISTORY:

New _____